



SUBDIVISION VACATION APPLICATION

Teton County, Idaho

The Planning Staff will review this application for completion, and then schedule a public hearing by the Board of County Commissioners. The Board shall make a decision to approve or deny the application.

To expedite the review of your application, please be sure to address each of the following items.

TO BE CONSIDERED A COMPLETE APPLICATION EACH ITEM HAS TO BE ADDRESSED

Disclaimer: Receipt of this submission of application materials does not represent acceptance or approval of submitted items or a complete application.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Teton Investors Inc. / Andrew Snow
Applicant: Teton County E-mail: arutherford@co.teton.id.us
Phone: (208) 354-2593 Mailing Address: 150 Courthouse Dr. Rm 107
City: Driggs State: ID Zip Code: 83422

Name of Subdivision: Evergreen Grove
Address: 10250 S 1750 W Section: 22 Township: 3 Range: 45
Legal Description: part of SW 1/4 NW 1/4 section
Total Acres: 23 Total Lots: 5 Zoning: A-2.5

- ☐ Fee
- ☐ Survey and plat to be recorded
- ☐ List of all property owners affected

- ☐ Latest recorded deed to the property
- ☐ Letter of Authorization
- ☐ Taxes Current

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

• Applicant Signature: [Signature] Date: 05/09/2011

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

• Owner Signature: _____ Date: _____

Fees are non-refundable.

SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

1. A survey map showing the area requested to be vacated showing:
2. Perimeter, dimensions and topography of the property.
3. The names and locations of all streets bordering the property.
4. The location of all easements or rights-of-way.
5. The location and dimensions of present and proposed structures.
6. Existing wells
7. That the subdivision vacation will not leave real property adjoining the highway or public right of way without access to the public highway or right of way.
8. Relocation plan of utilities

SECTION III: ANALYSIS REASONING AND FACT FINDING IN CONSIDERATION AND ACCORDANCE WITH THE ABOVE LISTED CRITERIA

1. Each exception to otherwise applicable restrictions shall be identified and the reasons provided
2. The subdivision or PUD is consistent with the public health, safety and welfare of the county.
3. The PUD contains the minimum of open space required by this title or amount of open space agreed to in the plans and plat.

SECTION IV: STAFF SUMMARY

Required Notification in accordance with Title 50, Chapter 13, Section 1306A of the Idaho Code

This hearing has been duly noticed in the Teton Valley News and notification shall be notified via mail to surrounding property owners in accordance with Idaho Code 50-1306A. Letters for surrounding property owners must be submitted no later than 30 days prior to the hearing to the Planning & Zoning Office addressed with proper postage for mailing by the Office Staff.

CERTIFICATE OF REVIEW

I, the undersigned, being a licensed surveyor in the State of Idaho, have examined the foregoing plat and find that it conforms to the requirements of the laws of Idaho relating to the recording of plats and maps.

DATE: 7/14/04

OWNER'S CERTIFICATE

WE, the undersigned, being the owners of the above described land, hereby certify that the foregoing plat is a true and correct representation of the land and that we have no objection to its being recorded.

DATE: 7/14/04

PLANNING AND ZONING APPROVAL

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION FOR REVIEW AND APPROVAL ON 7/14/04. THE COMMISSION HAS REVIEWED THE PLAT AND FINDS IT CONFORMS TO THE REQUIREMENTS OF THE PLANNING AND ZONING ORDINANCES.

DATE: 7/14/04

COMMISSIONER'S CERTIFICATE

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON 7/14/04. THE BOARD HAS REVIEWED THE PLAT AND FINDS IT CONFORMS TO THE REQUIREMENTS OF THE PLANNING AND ZONING ORDINANCES.

DATE: 7/14/04

TETON COUNTY FIRE MARSHAL

DATE: 7/14/04

HEALTH DEPARTMENT CERTIFICATE

DATE: 7/14/04

ASSURANCE'S CERTIFICATE

DATE: 7/14/04

SURVEYOR'S CERTIFICATE

I, the undersigned, being a licensed surveyor in the State of Idaho, have examined the foregoing plat and find that it conforms to the requirements of the laws of Idaho relating to the recording of plats and maps.

DATE: 7/14/04

ENGINEER'S STATEMENT ON IRRIGATION

BE IT KNOWN THAT THE ENGINEER, ARNOLD W. WOOLSTENHOLME, HAS REVIEWED THE WATER RIGHTS ON THIS PROPERTY AND HAS DEVELOPED A PLAN FOR THE IRRIGATION OF THE PROPERTY AS SHOWN. THE IRRIGATION SYSTEM DESIGNED AND SHOWN IN THE FOREGOING PLAT IS AN OPEN DITCH SYSTEM. THE IRRIGATION SYSTEM DESIGNED AND SHOWN IN THE FOREGOING PLAT IS AN OPEN DITCH SYSTEM. THE IRRIGATION SYSTEM DESIGNED AND SHOWN IN THE FOREGOING PLAT IS AN OPEN DITCH SYSTEM.

DATE: 7-16-04

VICINITY MAP

SECTION 22, TWP. 3N., RING. 45E., B.M., TETON COUNTY, IDAHO

DATE: 7-16-04

RECEIVED

MAY 19 2005

TETON CO., ID
CLERK RECORDER

168128

**DEVELOPMENT AGREEMENT
FOR
Evergreen Grove Subdivision**

THIS AGREEMENT is made and entered into this 11 day of October, 2002 by and between Teton Investors Inc. and Teton County, Idaho.

It is the intent and purpose of the Developer to meet the conditions of approval for the final plat allowing the creation of Evergreen Grove Subdivision, as approved by the Teton County Commission on _____, 2002; and

It is the intent and purpose of the Developer to obtain final plat approval for the subdivision; and it is the intent and purpose of the Developer and Teton County to enter into this Agreement, which will guarantee the full and satisfactory completion of the public improvements on the property described in this Agreement and it is the intent of the Agreement and the parties to satisfy the public improvement guarantee requirements for the final plat recordation and beginning of the build out of the public improvements of the subdivision.

In consideration of the mutual covenants and conditions contained herein, it is agreed as follows:

Section 1. Subdivision Description. This agreement pertains to and includes that property, which is designated and identified as Evergreen Grove Subdivision, located in Section 22, Township 3N, Range 45E in Teton County, Idaho.

Section 2. Improvements and Time of Completion. The Developer shall, at its own cost and expense, complete the road construction, the telephone, the power, and the fire protection pond. The Developer agrees to install a street sign at the entrance of the subdivision. The estimated costs to complete these improvements are shown on Exhibit A of this Agreement. The Developer shall not transfer construction and responsibility of public improvements to current or prospective lot owners. The construction shall begin on or before June 30, 2005 (or as soon as weather permits) for the public improvements and shall be completed for inspection by the County by June 1, 2006.

Section 3. Schedule for Completion of the improvements. The Developer shall complete the road improvements, the telephone, the power and fire protection within two (2) years of the recording of the final plat. A one (1) year extension may be approved by the Planning and Zoning Commission for completion of the public improvements for unavoidable delays caused by employment strikes, lockouts, Acts of God, or other factors beyond the control of the Developer. Teton County shall have the authority to use the funds in the financial guarantee to complete the public improvements if the developer does not complete them by the completion date stated in this Agreement.

Section 4. Inspection. Representatives of the County shall have the right to enter upon the property at any reasonable time to inspect and to determine whether the Developer is in compliance with this Agreement. The Developer shall permit the County and its representatives to enter upon and inspect the property at reasonable times.

Section 5. Final Inspection and Approval of Improvements. The Developer shall notify the County when it believes that the improvements have been fully and properly completed and shall request final inspection, approval and acceptance of the improvements by the County. Upon approval the county shall give its written acceptance of the improvements.

Section 6. One-Year Guarantee of the Improvements. The Developer guarantees the prompt

Instrument # 168128

DRIGGS, TETON, IDAHO

2005-05-19 01:50:05 No. of Pages: 3

Recorded for: A W ENGINEERING

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: AGREEMENT

Fee: 9.00

168128



P.O. Box 139
Victor, ID 83455
208-787-2952

A-W Engineering

Civil Engineering
Land Surveying
Construction Management

ENGINEER'S FINAL COST ESTIMATE

Evergreen Subdivision, Teton County, Idaho Aug 07, 2002
Travis Thompson P.O. 408 Victor Idaho 83455

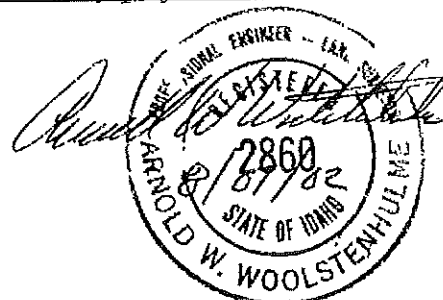
	DESCRIPTION	COST/UNIT	UNITS	COST
1	Electrical power service	6.00 / lin ft	1,800	\$ 10,800
2	Telephone service	3.00 / lin ft	1,800	\$ 5,400
3	Fire protection system - Agrrement with Warm Creek Subdivision	None	0	0
4	ROAD SYSTEM 24' Wide gravel road	\$ 12.00 / ft	1260	\$ 15,120
5	Irrigation System	None	0	0
			<u>TOTAL # 4</u>	<u>\$ 31,320.00</u>

TOTAL PROJECT: \$ 31,320.00

Planning & Zoning requirement of 110% = \$ 34,452.00

This plan and proposal does not include central water or sewer systems and it is not expected to be required by Teton County.

The road surface is for a 4" crushed gravel road surface which meets county specifications.



168128

Law Enforcement / Legal Issues

- Discussed problems with groups renting the facilities at the fairgrounds for parties and dances
- Commission to meet with the Fair Board at the next meeting

Public Hearing - Evergreen Grove Small Subdivision (5 lots on 19.4 acres)

- Chairman Trupp opened the public hearing by reading the legal notice as published in the Teton Valley News
- Arnold Woolstenhulme, representing Travis Thompson, also present, gave a brief overview of the project
- Larry Boothe provided the Planning and Zoning staff report
- Chairman Trupp opened the hearing for public comment:
 - Gary Grandy checked to see if the Forest Service property was properly shown on the map
 - Travis Thompson, owner, gave closing comments
- Chairman Trupp closed the public comment portion
- Commissioner Deliberation:
 - Commissioner Ramirez asked about the fish and game issues
 - Commissioner Calderwood asked about the width of the county right-of-way
 - **Motion:** Commissioner Ramirez move to approve the final plat on Evergreen Grove with the understanding that the developer will do a one-time dust abatement on 1000 South to the subdivision, Commissioner Calderwood seconded, motion carried

Public Hearing - Smith Canyon Ranches Small Subdivision (5 lots on 19 acres)

- Chairman Trupp opened the public hearing by reading the legal notice as published in the Teton Valley News
- Arnold Woolstenhulme, representing Travis Thompson, also present, gave a brief overview of the project
- Larry Boothe provided the Planning and Zoning staff report
- Chairman Trupp opened the hearing for public comment:
 - Gary Grandy asked for clarification of location
- Chairman Trupp closed the public comment portion of the hearing
- Commissioner Deliberation:
 - **Motion:** Commissioner Ramirez moved to approve the final plat on Smith Canyon Ranches, Commissioner Calderwood seconded, motion carried
 - Dust abatement for Evergreen Grove will also cover Smith Canyon Ranches

Public Hearing - Daydream Ranch Subdivision - Final Plat (24 lots on 81 acres)

- Chairman Trupp opened the public hearing by reading the legal notice as published in the Teton Valley News
- Arnold Woolstenhulme, representing Mike Mora and Judy Gardner, gave a brief overview of the project
- Larry Boothe provided the Planning and Zoning staff report

DOW FELCK
208-354-8775



8/18

Board of County Commissioners

To: Andrew Snow
241 Cumberland Ave.
Kenilworth, IL 60043

Date: May 9, 2011

Re: Expired Subdivision

Dear Andrew Snow,

You are in breach of your development agreement because 1) your timeline for infrastructure completion has expired and 2) our records show you have not started the infrastructure improvements for the subdivision and that 3) the County Engineer has not inspected and approved your subdivision's improvements.

Section 9-3-2-D-2-L of Title 9 (the Subdivision Regulations) states that, "*The Board of County Commissioners may revoke a subdivision or Planned Unit Development upon failure to comply with the conditions of approval of a final plat or subdivision extension, upon the violation of any of the provisions of this Title, or for misrepresentations or material omissions made to the Planning Commission or to the Board of County Commissioners.*" Therefore, the Board of County Commissioners has applied to vacate Evergreen Grove subdivision by authority of this section of code and Idaho State Code 50-1306A. The vacation will be heard at the July 14, 2011 Board of County Commissioners Public Hearing. We encourage you to attend the hearing and an appeals process shall be provided pursuant to Idaho State Code 50-1322.

This letter serves as formal notice that no construction activity can take place in your subdivision. A violation is a misdemeanor and a separate offense is deemed committed for every day you are in violation.

If you have any questions about this notice, please call the Teton County Planning Department at 208-354-2593.

We look forward to hearing from you,

Teton County Board of County Commissioners

Kathryn M. Rinaldi
Kathy Rinaldi, Chair

Bob Benedict
Bob Benedict

Kelly Park
Kelly Park

Cc: Teton County Title
Alliance Title
First American Title Company

Ange

2593 x 204

City of Victor
P.O. Box 122
32 Elm Street
Victor, Idaho 83455



(208) 787-2940
FAX (208) 787-2357
craigs@victorcityidaho.com

Teton County Planning & Building Department
150 Courthouse Drive
Driggs, ID 83422

Re: Evergreen Grove and Warm Creek Manor Subdivision Vacations.

Dear Ms. Rutherford;

Thank you for this opportunity to comment on the above two subdivision vacations. The City of Victor supports the County's efforts to modify those existing subdivision plats in recognition of our changed economic conditions and a more sustainable development pattern.

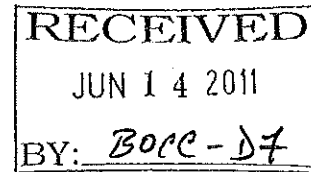
In general, the City supports reduced suburban and exurban development intensity in the County and supports an emphasis on municipal infill development within the cities. The City of Victor sees no negative issues associated with this proposal. We commend you for your time and effort in these endeavors.

Sincerely,

A handwritten signature in cursive script that reads 'William Knight'.

William Knight
Planning Director

June 1, 2011



Teton County Board of Commissioners
150 Courthouse Drive
Driggs, ID 83422

To The Teton County Board of Commissioners

We are in receipt of your letter dated May 9, 2011 with regards to the vacating of the Evergreen Grove subdivision in Victor, ID.

We do not plan to appeal this judgment and ask the County vacate the subdivision per the schedule outlined in the letter. Our no-contest is with the obvious understanding that the development bond funds being held by the County will be refunded, in full, on a timely basis.

Please direct any questions to Bill Graham at (847) 274-7946.

Sincerely,

A handwritten signature in black ink, appearing to be "W. S. Graham", written in a cursive style.

William S. Graham
241 Melrose Ave
Kenilworth, IL 60043

A handwritten signature in black ink, appearing to be "Andrew Snow", written in a cursive style.

Andrew Snow
241 Cumberland Ave
Kenilworth, IL 60043

Wendy Danielson

From: Maureen Green
Sent: Wednesday, April 18, 2012 3:50 PM
To: Wendy Danielson
Subject: RE: Evergreen Grove Subdivision Taxes

The 2011 taxes have been paid in full on these 5 parcels.

Thanks,
Maureen

From: Wendy Danielson
Sent: Wednesday, April 18, 2012 11:49 AM
To: Maureen Green
Subject: Evergreen Grove Subdivision Taxes

Maureen,

Can you please advise the tax status for the lots in the Evergreen Grove Subdivision? There are 5 lots, all owned by Andrew Snow. The parcel numbers are:

RP004550000010
RP004550000020
RP004550000030
RP004550000040
RP004550000050

We are going to be applying to vacate this subdivision and need to make sure they are paid in full for 2011. If they are not, we will need to approach the vacation a bit differently than if they are.

Thanks!

Wendy Danielson
Land Use Services Assistant
Teton County Idaho
150 Courthouse Dr. Room 107
Driggs, ID 83422
208-354-2593 x201



Information from ESET NOD32 Antivirus, version of virus signature database 7067 (20120418)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Teton County, Idaho

Project Profile

Project Name	Evergreen Grove
Number of Dwelling Units	5
Distance out County Roads	1-3 Miles
Daily Vehicle Miles Traveled	97
Value of One Lot with a Dwelling Unit	\$150,000

	Cost Per Dwelling Unit	Property Tax and Other Revenues Per Dwelling Unit
Annual Operations and Maintenance for All County Services	\$1,651	\$1,004
Capital Facilities County Total for All County Services	\$5,185	\$2,172
Annual Operations and Maintenance Cost-Benefit	-\$647	
Capital Facilities Cost-Benefit	-\$3,013	

Cost-Benefit of
Evergreen Grove

	Operations and Maintenance Annual Cost-Benefit	Capital Improvements One-Time Cost-Benefit
Road Fund	-\$386	-\$10,358
General Fund	-\$2,556	-\$3,620
Special Revenue Funds	-\$294	-\$1,086
Total Cost-Benefit	-\$3,236	-\$15,065

Generated Using the Fiscal Impact Planning System

Teton County, Idaho

Project Profile

Project Name	Evergreen Grove
Number of Dwelling Units	5
Distance out County Roads	1-3 Miles
Daily Vehicle Miles Traveled	97
Value of One Lot with a Dwelling Unit	\$375,235

	Cost Per Dwelling Unit	Property Tax and Other Revenues Per Dwelling Unit
Annual Operations and Maintenance for All County Services	\$1,651	\$1,313
Capital Facilities County Total for All County Services	\$5,185	\$2,488
Cost-Benefit Per Dwelling Unit		
Annual Operations and Maintenance Cost-Benefit	-\$338	
Capital Facilities Cost-Benefit	-\$2,697	

Cost-Benefit of
Evergreen Grove

	Operations and Maintenance Annual Cost-Benefit	Capital Improvements One-Time Cost-Benefit
Road Fund	-\$386	-\$10,358
General Fund	-\$1,254	-\$2,042
Special Revenue Funds	-\$48	-\$1,086
Total Cost-Benefit	-\$1,688	-\$13,486